STATE OF NEW YORK

11726

IN ASSEMBLY

September 16, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. E. Brown) -- read once and referred to the Committee on Education

AN ACT to amend the education law and the public health law, in relation to establishing standards governing children's exposure to amplified sound at schools, school-sponsored activities, after-school programs, and children's camps; and establishing the statewide hearing-health advisory committee; and providing for the repeal of certain provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "child hearing protection act".

§ 2. The education law is amended by adding a new section 409-o to read as follows:

§ 409-o. Protection of children from excessive amplified sound. 1. For purposes of this section:

(a) "Amplified sound" means sound produced, reproduced, or increased through the use of electronic amplification equipment, including, but not limited to, loudspeakers, public address systems, sound systems, disc jockey equipment, musical amplification equipment, and similar devices.

(b) "Covered activity" means any school assembly, performance, dance, athletic or recreational activity, after-school program, school-sponsored event, or other activity involving children at which amplified sound is used.

(c) "Sound exposure" means the level and duration of sound to which an individual is exposed during a covered activity.

2. (a) The commissioner, in consultation with the commissioner of health, shall promulgate rules and regulations establishing maximum permissible sound-exposure standards for covered activities. Such rules and regulations shall, include, but not be limited to:

(i) account for both the intensity and duration of sound exposure;

(ii) establish appropriate average and peak sound-level limits;

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD16305-03-6

(iii) establish appropriate locations and methods for measuring sound levels;

(iv) provide additional protections where appropriate based upon the age of the children, duration of exposure, and nature of the activity; and

(v) be based upon generally accepted scientific and medical evidence concerning the prevention of noise-induced hearing loss in children.

(b) In developing such standards, the commissioners shall review relevant recommendations and guidance of recognized public-health and hearing-health authorities, including the World Health Organization, National Institute for Occupational Safety and Health, American Academy of Pediatrics, and other appropriate professional organizations.

3. (a) Prior to promulgating or substantially revising the rules and regulations pursuant to this section, the commissioner and commissioner of health shall consult with qualified hearing-health professionals, including, but not limited to, licensed audiologists with experience in pediatric hearing health, physicians or other professionals specializing in hearing conservation or noise-induced hearing loss, and such other scientific or medical experts as the commissioners deem appropriate.

(b) Such consultation shall include consideration of current scientific evidence concerning safe sound-exposure levels for children, cumulative exposure, peak sound levels, age-related susceptibility, and appropriate methods of monitoring amplified sound.

4. (a) Whenever amplified sound is used at a covered activity, the school, school district, board of cooperative educational services, charter school, nonpublic school, or other entity responsible for conducting or sponsoring such activity shall ensure that sound levels are monitored using equipment and procedures meeting standards established by the commissioner.

(b) Monitoring shall occur at appropriate intervals throughout the covered activity sufficient to determine compliance with the sound-exposure standards established pursuant to this section.

5. (a) Where monitoring indicates that a permissible sound level or exposure limit has been reached or exceeded, the person or entity responsible for the activity shall immediately reduce the amplified sound to a compliant level.

(b) Where compliance cannot be promptly achieved, the use of amplified sound shall be suspended until compliance can be restored.

6. (a) Responsibility for compliance with this section shall rest with the school, school district, board of cooperative educational services, charter school, nonpublic school, or other organization sponsoring, operating, or conducting the covered activity.

(b) The use of an outside disc jockey, band, entertainer, contractor, vendor, or other third party shall not relieve the sponsoring or operating entity of its responsibility to comply with this section.

(c) Any agreement with a person or entity providing amplified sound at a covered activity shall require compliance with the sound-exposure standards established pursuant to this section.

7. (a) The commissioner shall establish a graduated enforcement process for repeated or substantial violations of this section or regulations promulgated pursuant thereto. Such process may include, but not be limited to:

(i) written notice of noncompliance;

(ii) additional or enhanced sound-level monitoring;

(iii) submission and implementation of a corrective-action plan designed to prevent future violations;

(iv) required training for employees, contractors, vendors, or other persons responsible for operating amplified sound equipment;

(v) additional oversight or reporting requirements for an entity demonstrating a pattern of noncompliance; and

(vi) where repeated or substantial violations continue after notice and an opportunity to correct such violations, an appropriate civil penalty as established by regulation.

(b) In establishing such enforcement procedures, the commissioner shall distinguish between an isolated or inadvertent exceedance that is immediately corrected and repeated, knowing, substantial, or continuing noncompliance.

8. Entities subject to this section shall maintain records of sound-level monitoring, exceedances, corrective actions, and such other information as the commissioner may require for a period established by regulation.

§ 3. The public health law is amended by adding a new section 1394-e to read as follows:

§ 1394-e. Protection of children from excessive amplified sound. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Amplified sound" means sound produced, reproduced, or increased through the use of electronic amplification equipment, including, but not limited to, loudspeakers, public address systems, sound systems, disc jockey equipment, musical amplification equipment, and similar devices.

(b) "Covered activity" means any children's overnight camp, summer day camp, traveling summer day camp, assembly, performance, dance, athletic or recreational activity, camp-sponsored event, or other activity involving children at which amplified sound is used.

(c) "Sound exposure" means the level and duration of sound to which an individual is exposed during a covered activity.

2. (a) The commissioner shall require amplified-sound protections at children's overnight, summer, day, and other camps subject to rules and regulations by the department.

(b) The commissioner shall establish standards governing amplified sound used at dances, performances, assemblies, recreational activities, special events, and other camp activities involving disc jockeys, bands, entertainers, public address systems, loudspeakers, or other amplified sound equipment. Such standards shall include, but not be limited to:

(i) accounting for both sound intensity and duration of exposure;

(ii) establishing appropriate average and peak A-weighted sound limits;

(iii) requiring appropriate monitoring during covered activities;

(iv) requiring immediate reduction of amplified sound when an applicable limit is reached or exceeded;

(v) requiring suspension of amplified sound where compliance cannot promptly be restored;

(vi) placing responsibility for compliance upon the camp operator or organization conducting or sponsoring the activity, regardless of whether amplified sound is provided by an outside contractor, entertainer, disc jockey, band, or vendor;

(vii) establishing recordkeeping requirements;

(viii) providing for graduated corrective action for repeated or substantial violations, including enhanced monitoring, corrective-action plans, training, additional oversight, and, where appropriate, civil penalties for continuing or repeated noncompliance; and

(ix) distinguishing between an isolated exceedance that is promptly corrected and repeated, knowing, substantial, or continuing violations.

(c) In developing and periodically reviewing such standards, the commissioner shall consult with qualified audiologists, including pediatric audiologists, physicians, hearing-conservation specialists, and other appropriate hearing-health professionals and shall consider current scientific evidence and guidance concerning noise-induced hearing loss in children. The commissioner shall also implement the rules and regulations promulgated in consultation with the commissioner of education pursuant to section four hundred nine-o of the education law.

§ 4. Statewide hearing-health advisory committee. 1. The commissioner of education and commissioner of health are authorized to convene an advisory group of audiologists, pediatric hearing-health professionals, physicians, educators, school administrators, camp operators, and other appropriate experts to advise the departments regarding the development and periodic review of sound-exposure standards established pursuant to this act.

The advisory process shall consider, but not be limited to:

(a) scientifically supported maximum average and peak sound levels;

(b) the relationship between sound intensity and duration of exposure;

(c) cumulative exposure to amplified sound;

(d) appropriate standards for children of different ages;

(e) practical and reliable sound-monitoring methods;

(f) appropriate placement and calibration of sound-measuring equipment; and

(g) emerging scientific research concerning noise-induced hearing damage in children.

2. The committee established pursuant to subdivision one of this section shall report to the commissioner of education and the commissioner of health within 180 days of the effective date of this act.

§ 5. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that the provisions of section four of this act shall expire and be deemed repealed one year after it shall have become a law.